

Serial No. **10/732,804**  
Amdt. dated July 20, 2007  
Reply to Office Action of March 20, 2007

Docket No. **P-0622**

**REMARKS/ARGUMENTS**

Claims 1-3, 34-37, and 39-43 are pending. By this Amendment, the title, the drawings, the specification, and claims 1-2, 39-40, and 43 are amended. Claims 38 and 44-56 are canceled without prejudice or disclaimer. Applicants maintain their traversal of the Restriction Requirement set forth in the Reply to Restriction Requirement filed December 20, 2006. However, to expedite prosecution of the application, non-elected claims 44-56 have been canceled to be pursued in a Continuation/Divisional Application. No new matter is added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The Office Action objected to the Declaration as defective. A substitute Declaration is provided herewith. Accordingly, the objection should be withdrawn.

The Office Action objected to the drawings as allegedly failing to comply with 37 C.F.R. §1.84(p)(5) and 37 C.F.R. §1.83(a). Each of the Examiner's comments have been addressed in amending the drawings. Accordingly, the objection should be withdrawn.

The Office Action objected to the disclosure for informalities. The Examiner's comments have been addressed in amending the specification. Accordingly, the objection should be withdrawn.

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The Office Action objected to claim 43 for informalities. The Examiner's comments have been addressed in amending claim 43. Accordingly, the objection should be withdrawn.

The Office Action objected to the title as not descriptive. The title has been amended to recite an "electrochemical battery and electrode therefore." Claims 1-3, 34-37, 39-43 are directed to an electrode of an electrochemical battery. Thus, the title is descriptive of what is being claimed. Accordingly, the objection should be withdrawn.

The Office Action rejected claims 1-2, 35-38, and 41-43 under 35 U.S.C. §102(b) over Figures 1-2 of the present application and the corresponding disclosures. The rejection is respectfully traversed.

Independent claim 1 has been amended to include the features of dependent claim 38, and now recites, *inter alia*, a catalyst holding body for holding and confining the electrode catalyst by being entangled with the electrode catalyst, when the catalyst holding body is an aggregation of fibers made of a conductive metal material. In contrast, Figures 1-2 of the present application discloses a catalyst holding body in the form of a foam body. Further, the Office Action argued with respect to dependent claim 38 that "[t]he AAPA further made known that Korean Publications 10-2001-86569 and 10-2001-18726 discloses the use of metallic threads and metal fibers as catalyst holding body." However, the present application merely states that the electrode catalyst support member is fabricated using a method for fabricating a stack of fine metallic threads and metal fiber sintered body disclosed in the referenced Korean publications.

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Accordingly, the rejection of independent claim 1 over Figures 1-2 of the present application should be withdrawn.

The Office Action rejected claim 1 under 25 U.S.C. §102(e) as being anticipated by Moy et al. (hereinafter “Moy”), U.S. Patent Publication No. 2004/0162216, and rejected claims 1, 3, and 4 under 35 U.S.C. §102(e) as being anticipated by Yoshida et al. (hereinafter “Yoshida”), U.S. Patent Publication No. 2003/0091891. These rejections are respectfully traversed.

As set forth above, independent claim 1 has been amended to recite, *inter alia*, that the catalyst holding body is an aggregation of fibers made of a conductive metal material. Neither Moy nor Yoshida disclose or suggest such features, or the respective claimed combination of independent claim 1. Accordingly, these rejections should be withdrawn.

The Office Action rejected claims 3 and 34 under 35 U.S.C §103(a) as being unpatentable over Figures 1-2 of the present application in view for Bloom et al. (hereinafter “Bloom”), U.S. Patent Publication No. 2003/0059665. The rejection is respectfully traversed.

Claims 3 and 34 are allowable over Figures 1-2 of the present application at least for the reasons discussed above with respect to independent claim 1, from which they depend, as well as for their added features. Bloom fails to overcome the deficiencies of Figures 1-2 of the present application, as it is merely cited as allegedly teaching an electrode arrangement for an electrochemical cell comprising a fiber or filament-like catalytic material. Accordingly, the

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rejection of claims 3 and 34 over Figures 1-2 of the present application and Bloom should be withdrawn.

The Office Action rejected claim 39 under 35 U.S.C. §103(a) as being unpatentable over Figures 1-2 of the present application in view of Schlormer et al. (hereinafter “Schlormer”), U.S. Patent No. 3,811,976. The rejection is respectfully traversed.

Claim 39 is allowable over Figures 1-2 of the present application at least for the reasons discussed above with respect to independent claim 1, from which it depends, as well as for its added features. Schlormer fails to overcome the deficiencies of Figures 1-2 of the present applications, as it is merely cited for allegedly teaching a specific fiber length. Accordingly, the rejection of claim 39 over Figures 1-2 of the present application and Schlormer should be withdrawn.

The Office Action rejected claim 40 under 35 U.S.C. §103(a) as being unpatentable over Figures 1-2 of the present application in view of Amamoto, U.S. Patent Publication No. 2001/0003627. The rejection is respectfully traversed.

Claim 40 is allowable over Figures 1-2 of the present application at least for the reasons discussed above with respect to independent claim 1, from which it depends, as well as for its added features. Amamoto fails to overcome the deficiencies of Figure 1-2 of the present application, as it is merely cited for allegedly teaching a specific fiber diameter. Accordingly, the

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rejection of claim 40 over Figures 1-2 of the present application and Amamoto should be withdrawn.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

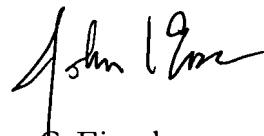
If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
KED & ASSOCIATES, LLP



John C. Eisenhart  
Registration No. 38,128

Attachment: Substitute Declaration

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
(703) 766-3777 CLD/JCE:tg  
**Date: July 20, 2007**  
\\Fk4\Documents\2000\2000-728\121370.doc  
**Please direct all correspondence to Customer Number 34610**

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**Amendments to the Drawings:**

The attached drawings include changes to Figs. 4 and 6. These sheets, which include Figs. 4-7, replace the original sheets including Figs. 4-7. In Figure 4, previously omitted reference numerals 31 and 32 have been added. In Fig. 6, previously omitted reference numeral "60" has been added, and reference numeral "66" has been deleted. No new matter is added.

Attachments: Replacement Sheet (2)  
Annotated Sheet Showing Changes (2)

ANOTATED SHEET

10/732,804

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FIG. 4

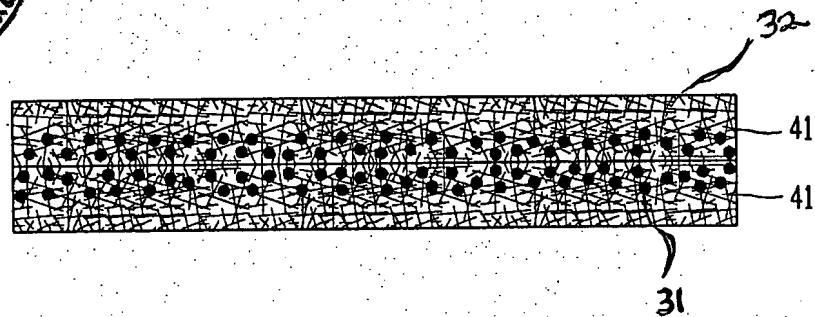
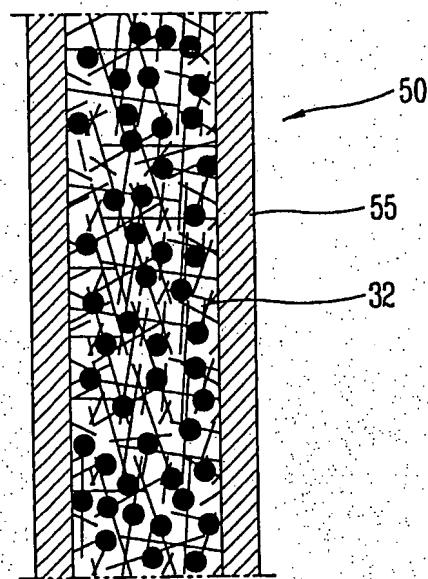


FIG. 5



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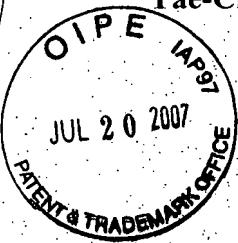


FIG. 6

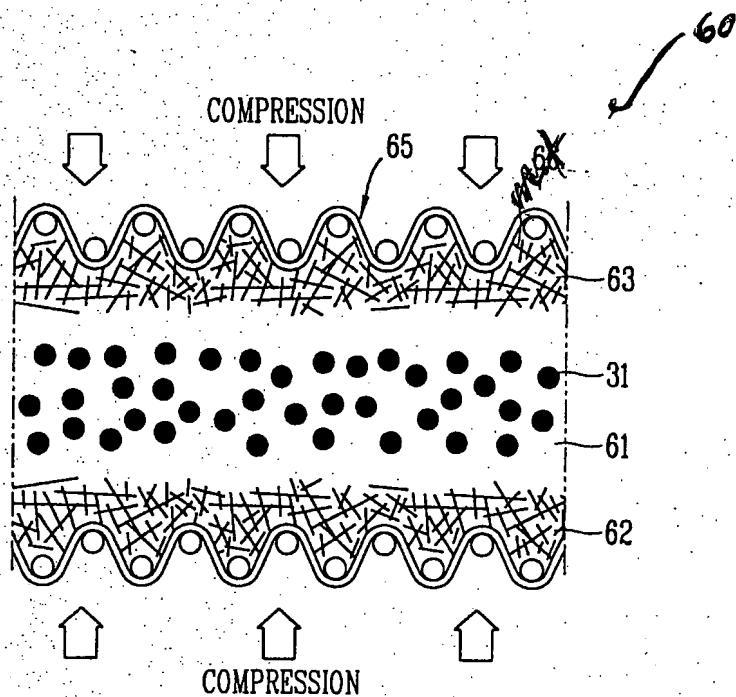


FIG. 7

